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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/757,951 | 01/10/2001 | Francois - Xavier Nuttall | 11245.00053 | 1267 |

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EXAMINER

WANG, MARY DA ZHI

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3621

DATE MAILED: 05/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/757,951

Applicant(s)

NUTTALL, FRANCOIS - XAVIER

Examiner

Mary Wang

Art Unit

3621

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-13 and 17 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 9-17 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al., U. S. Patent 5,629,980.

As to claim 9, Stefik teaches a method for managing accessing to a digital work, the method for execution by a reconciling node (is interpreted as repository), the method comprising (column 7 lines 40-56 and Fig. 2):

- a) Receiving via a network a first report, the first report being provided in response to a transaction that provided the digital work from a content providing node to a content requesting node, the first report comprising a transaction identifier (column 31 lines 23-37 and Fig. 18);
- b) Receiving via the network a second report that originated from a content managing node (column 33 lines 37-48 and Fig. 19);
- c) Comparing the value and the transaction identifier is taught by Stefik as detecting communication failures (column 33 line 37 – column 34 line 2 and Fig. 19);

d) Transmitting onto the network a message enabling a credit to an account corresponding the payee identifier is taught by Stefik as commit report to credit server (Figs. 3, 19).

Stefik does not specifically state the second report comprising a value and a payee identifier. It would have been obvious one of ordinary skill in the art to allow the second report of Stefik to include a value and payee identifier because the user's credit information would be better verified, and if the user's credit information is approved, the server would be more confident to issue the user a copyright of the requested digital work.

As to claim 10, Stefik teaches the first report comprises indicia of a difference, the difference prepared in accordance with a start report originating from the content requesting node and a summary report originating from the content requesting node (column 33 lines 39-55 and Fig. 19).

As to claim 11, receiving via the network a plurality of records is inherent for Stefik's system; Stefik further teaches determining the first report in accordance with a record of the plurality (Figs. 18-19).

Claims 12-13 and 17 are rejected for the similar reason as claims 9 and 11.

Allowable Subject Matter

4. Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art fail to teach generating a third report comprising indicia of a respective debit and detecting the occurrence of an invalid transaction if the first, the second and third reports are not timely received or not originated in a predetermined sequence as claimed in claims 14-16.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Josephson (U. S. Patent Number 5,783,808) discloses electronic check presentment system having transaction level reconciliation capability.

Wonfor et al. (WO 97/37492) discloses providing copy protection of video analog signals such as pay-per-view program.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Wang whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

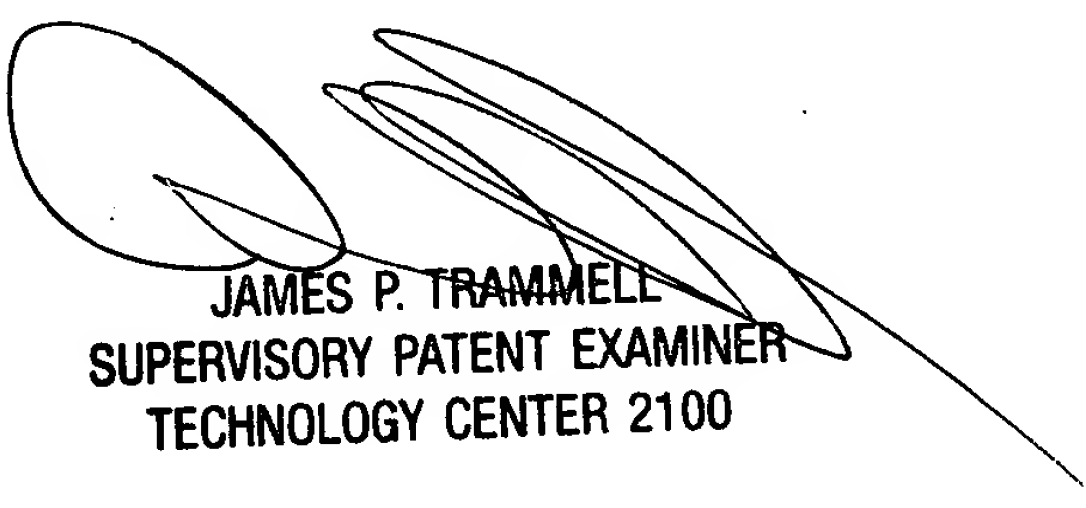
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 746-7238 (After Final Communication)
(703) 746-7239 (Official Communications)
(703) 746-7240 (For Status inquiries, draft communication)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3900.

Mary Wang
Patent Examiner
Art Unit 3621
May 8, 2002



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100